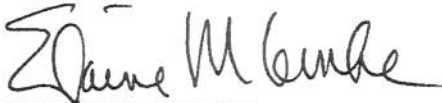


ANALYSIS

This ordinance amends Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code, relating to establishing a hearing examiner procedure to provide for holding public hearings in the locale or community affected by a proposed major land use project.

RAYMOND G. FORTNER, JR.
County Counsel

By 
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:vn

7/8/08 (requested)

7/23/08 (revised)

ORDINANCE NO. 2008-0043

An ordinance amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code, relating to establishing a hearing examiner procedure.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 21.16.060 is hereby amended to read as follows:

21.16.060 Public hearings.

Prior to the approval by the advisory agency of any tentative map, including a tentative minor land division map, submitted pursuant to this Title 21, a public hearing shall be held before the advisory agency. The public hearing shall be conducted in accordance with Part 4 of Chapter 22.60 of this code and notice thereof shall be provided in the manner prescribed by Section 21.16.070 of this Title 21. Any interested person may appear at such a hearing and shall be heard.

SECTION 2. Section 22.08.080 is hereby amended to add the following definition in alphabetical order to read as follows:

22.08.080 H.

. . .

-- "Hearing examiner" means a person who is an employee of, or under contract to, the department of regional planning who has been appointed by the director and confirmed by the board of supervisors to perform the duties of hearing examiner

as designated by this Title 22 relating to conducting public hearings, receiving public testimony, and making recommendations to the commission.

. . .

SECTION 3. Section 22.16.080 is hereby amended to read as follows:

22.16.080 Initiation of hearings -- Conditions.

Hearings on zone changes or amendments may be initiated:

A. If the board of supervisors instructs the commission or the director to set the matter for a hearing, report and recommendation; or

B. Upon the initiative of the commission; or

C. In the case of a zone change, upon the filing of a petition as provided in Sections 22.16.090, 22.16.100, 22.16.110, and 22.16.120 of this Part 2.

SECTION 4. Section 22.16.250 is hereby amended to read as follows:

22.16.250 Initiation of hearings.

Hearings on a development agreement may be initiated:

A. If the board of supervisors instructs the commission or the director to set the matter for a hearing, report and recommendation; or

B. Upon the initiative of the commission; or

C. Upon the filing of an application as provided in Sections 22.16.260, 22.16.270, 22.16.280, and 22.16.290 of this part.

SECTION 5. Section 22.56.070 is hereby amended to read as follows:

22.56.070 Application -- Public hearing required -- Exception.

In all cases where an application for a conditional use permit is filed, except where the hearing officer grants the permit pursuant to Section 22.56.080 or the director grants the permit pursuant to Section 22.56.085, ~~the hearing officer shall hold a public hearing unless the commission determines to and itself holds a public hearing.~~ In either case, the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60.

SECTION 6. Section 22.56.320 is hereby amended to read as follows:

22.56.320 Application -- Public hearing required.

In all cases where an application is filed for a variance, ~~the zoning board shall hold a public hearing unless the hearing officer determines to and itself holds a public hearing.~~ In either case, the public hearing shall be held pursuant to the procedure provided by Part 4 of Chapter 22.60.

SECTION 7. Section 22.56.480 is hereby amended to read as follows:

22.56.480 Application -- Approval or denial -- Findings.

...

C. In all cases where the director denies an application, he shall so inform the applicant, in writing, and in such notice shall also inform him that if within 14 days after receipt of such notice he files such additional information as the director may require and pays an additional fee, the amount of which shall be stated in the notice, a public hearing will be scheduled ~~relative to such matter before the commission.~~ Such

additional fee shall be the difference between the fee paid and the fee for public hearing as specified in Section 22.60.100.

SECTION 8. Section 22.56.490 is hereby amended to read as follows:

22.56.490 Application -- Public hearing.

In all cases where a public hearing is requested, ~~the commission shall hold a~~ public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60.

SECTION 9. Section 22.56.610 is hereby amended to read as follows:

22.56.610 Application -- Public hearings required.

~~The hearing officer shall hold a public hearing on an application for a cemetery permit.~~ The public hearing on an application for a cemetery permit shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60.

SECTION 10. Section 22.56.740 is hereby amended to read as follows:

22.56.740 Application -- Public hearing required.

Unless an application is approved pursuant to Section 22.56.730, ~~the hearing officer shall hold a public hearing unless the commission determines to and itself holds a public hearing.~~ The public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60.

SECTION 11. Section 22.56.1330 is hereby amended to read as follows:

22.56.1330 Application or plan -- Public hearing required.

In all cases where an application for a surface mining permit and/or reclamation plan is filed, ~~the hearing officer shall hold a public hearing unless the commission~~

~~determines to and itself holds a public hearing. In either case, the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60.~~

SECTION 12. Section 22.56.2160 is hereby amended to read as follows:

22.56.2160 Application -- Public hearing required when.

Where no concurrent consideration is conducted by the hearing officer or the commission pursuant to Section 22.56.2150, ~~the director shall conduct a public hearing~~ shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60 subject to the notice requirements of subsection B of Section 22.56.2130; provided, however, that no hearing shall be required for a filing in conjunction with the use of a single-family residence when publishing is not required by said subsection C of Section 22.56.2130.

SECTION 13. Section 22.56.2840 is hereby amended to read as follows:

22.56.2840 Public hearing and notice required -- Discretionary review.

In all cases where an application for a discretionary housing permit is filed, the ~~commission shall hold a public hearing. The public hearing shall be held pursuant to the~~ procedure provided in Part 4 of Chapter 22.60.

SECTION 14. The heading for Part 1 of Chapter 22.60 is hereby amended to read as follows:

Part 1

HEARING OFFICER AND HEARING EXAMINER

SECTION 15. Section 22.60.020 is hereby amended to read as follows:

22.60.020 Duties of hearing officer.

A. The hearing officer shall preside over the public hearing and hear testimony for and against an application for a land use permit or variance, ~~unless the commission determines to and itself holds a public hearing~~ pursuant to the procedures provided in Part 4 of Chapter 22.60.

. . .

SECTION 16. Section 22.60.030 is hereby added to read as follows:

22.60.030 Authority of the hearing examiner.

The hearing examiner conducts public hearings on applications for land use permits, variances, zone changes, ordinance amendments, land divisions, and plan amendments subject to the general purposes and provisions of this Title 22.

SECTION 17. Section 22.60.040 is hereby added to read as follows:

22.60.040 Duties of hearing examiner.

A. The hearing examiner may conduct public hearings on land use permits, variances, zone changes, ordinance amendments, land divisions, plan amendments, and other planning matters pursuant to the procedure provided in Part 4 of Chapter 22.60.

B. Prior to the commission's public hearing on a matter for which the hearing examiner has first conducted a hearing, the hearing examiner shall:

1. Ensure that the report to the commission includes an analysis of the proposal, proposed findings and conditions, where applicable, recommendations, and other pertinent materials to be submitted to the commission.

2. Mail notice of the commission public hearing date and other information as required by Section 22.60.190.C.

SECTION 18. Section 22.60.170 is hereby amended to read as follows:

22.60.170 Initiation of hearings.

Hearings on permits, variances, or nonconforming use or structure review may be initiated:

A. If the board of supervisors instructs the director, hearing officer, or commission to set the matter for a public hearing in the case of a conditional use permit, (animal permit), variance, or nonconforming use or structure review; or

...

SECTION 19. Section 22.60.171 is hereby added to read as follows:

22.60.171 Conduct of hearing examiner proceedings.

A. When a verified application is filed or a hearing is initiated for a permit, variance, zone change or amendment, land division, or plan amendment and a hearing is required by Title 21 or this Title 22, except as set forth in subdivision B, the hearing

examiner shall first hold a public hearing on all projects subject to a hearing before the commission except on appeals and calls for review of projects decided by the hearing officer.

B. For the first 12 months after the effective date of the ordinance adding this section, the director shall determine which matters set before the commission shall first be subject to the hearing examiner procedure.

SECTION 20. Section 22.60.176 is hereby amended to read as follows:

22.60.176 Conduct of hearings--Hearing officer duty.

When a verified application is filed for a permit or variance and a hearing is required by Title 21 or this Title 22, the hearing officer shall hold such hearing ~~if unless~~ the hearing examiner and/or commission does not itself hold the hearing conduct hearings pursuant to Section 22.60.171.

SECTION 21. Section 22.60.190 is hereby amended to read as follows:

22.60.190 Notification of action taken.

The hearing officer, commission, or board of supervisors shall serve notice of its action upon:

...

B. The following persons by first class mail, postage prepaid:

1. ~~The first three~~ All protestants testifying or speaking at the public hearing, ~~except at a hearing for the revocation or modification of any permit, variance or nonconforming use or structure;~~

2, ~~The first three~~All persons testifying or speaking in favor of the proposal at a public hearing ~~in favor of the revocation or modification of any permit, variance or nonconforming use or structure;~~

3. Any other persons testifying or speaking at a public hearing ~~that request such information from the chairman at the hearing.~~

C. In matters for which a hearing examiner has conducted a public hearing, the hearing examiner shall mail notice of the date, time, and place for the commission public hearing on the project, a synopsis of the hearing examiner's public hearing, and the written recommendation to the commission to persons identified in subsections A and B. The commission's public hearing in such matters shall also be preceded by timely and complete notice in accordance with sections 22.60.174 and 22.60.175.

SECTION 22. Section 22.60.240 is hereby amended to read as follows:

22.60.240 Procedures for appeals and calls for review.

...

B. Notice and Public Hearing. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed required a public hearing. A public hearing on an appeal from an action of the director or a hearing officer is not subject to the hearing examiner procedure. The appellate body shall consider the matter directly at its public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or reviewed.

...

[2116060ELCC]

SECTION 23. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.



Yvonne B. Burke
Chair

ATTEST:

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of August 12, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Zev Yaroslavsky
Don Knabe
Michael D. Antonovich
Yvonne B. Burke

Noes

Supervisors None

Effective Date: September 11, 2008

Operative Date:

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By Leela Kapur
Leela Kapur
Chief Deputy County Counsel